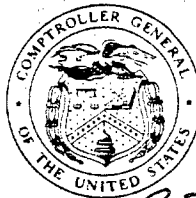


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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Protest Against RFP Cancellation]

FILE: B-198890

DATE: June 5, 1980

MATTER OF: Texas Aerospace Services

4764

DIGEST:

Protest alleging that agency decision to perform repair and overhaul services in-house is contrary to contracting out requirements of OMB Circular A-76 is not for consideration under GAO Bid Protest Procedures since provisions of Circular involve Executive policy rather than legal rights and responsibilities and therefore compliance therewith is not within protest decision function of GAO.

Texas Aerospace Services protests the cancellation of Request for Proposal (RFP) No. F34601-79-R-1934 issued by the Department of the Air Force (Air Force) for the repair and overhaul of periscopic Sextants and the Air Force's decision to perform the services in-house. Protester asserts that the decision to perform in-house instead of contracting out is contrary to Office of Management and Budget (OMB) Circular No. A-76 and such services should be contracted out. 25

This is not a matter for review under our Bid Protest Procedures, 4 C.F.R. Part 20 (1980), pursuant to which we consider an agency's compliance with applicable statutes and regulations which impose certain legal obligations and responsibilities. The provisions of OMB Circular A-76, which in general encourage agencies to contract out, only set forth Executive policy; they do not establish legal rights and responsibilities and consequently we do not view compliance therewith as within the protest decision function of our Office. Local F76, International Association of Firefighters, B-194084, March 28, 1979, 79-1 CPD 209; 53 Comp. Gen. 86 (1973).

The protest is dismissed.

Harry R. Van Cleave
for Milton J. Socolar
General Counsel

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